

Gouvernement du Québec

O.C. 447-2008, 7 May 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and fur trade
— Amendments

Regulation to amend the Regulation respecting trapping activities and the fur trade

WHEREAS, under the second paragraph of section 55 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may determine by regulation the conditions on which a person determined by regulation may use a licence issued to another person;

WHEREAS, under paragraph 2 of section 97 of the Act, the Government may, by regulation, determine for each class of lease the conditions for obtaining, transferring and renewing a lease;

WHEREAS, under paragraphs 9, 16 and 20 of section 162 of the Act, the Government may make regulations determining the conditions that must be fulfilled by the holder of a licence and the obligations with which the holder of a licence must comply, prescribing norms and obligations respecting the transportation, possession and registration of animals or fish and determining the conditions for trapping and the norms used for establishing the minimum and maximum numbers of fur-bearing animals that may be captured in a territory where only trapping rights are granted;

WHEREAS the Government made the Regulation respecting trapping activities and the fur trade by Order in Council 1027-99 dated 8 September 1999;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting trapping activities and the fur trade was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting trapping activities and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 55, 2nd par., s. 97, par. 2 and s. 162, pars. 9, 14, 16 and 20)

1. The Regulation respecting trapping activities and the fur trade is amended by replacing Divisions I and II of Chapter II by the following:

“DIVISION I
TRAPPING LICENCES

3. To trap, a person, resident or non-resident, must hold a professional trapping licence.

To obtain such a licence, a person must, at the time of the application,

(1) provide the person issuing the licence applied for with his name, address and date of birth;

(2) in the case of a resident, hold a hunter’s or trapper’s certificate under the Regulation respecting hunting made by Minister’s Order 99021 dated 27 July 1999 certifying that the person is qualified to trap, and provide the certificate number; and

(3) be at least 12 years of age, if the person is a non-resident.

* The Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915), was last amended by the regulation made by Order in Council 29-2004 dated 14 January 2004 (2004, *G.O.* 2, 819). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

4. A professional trapping licence holder must enter his name, address and date of birth on the back of the licence when any of those particulars do not appear on the front of the licence or are inaccurate.

5. Despite section 3, every person under 18 years of age may, to trap, use the licence of a professional trapping licence holder who is at least 18 years of age, provided that the person is accompanied by the holder or the holder's spouse who must have the licence in his possession.

If the spouse is a resident, the spouse must hold a hunter's or trapper's certificate bearing code "P" and carry it with him.

For the purposes of the first paragraph, each fur-bearing animal captured by a person who is under 18 years of age is counted as a fur-bearing animal captured by the licence holder.

6. Despite section 3, the spouse of a professional trapping licence holder or, subject to section 5, their child under 18 years of age or the child under 18 years of age of either spouse, may use the holder's licence. The spouse or child must have the holder's licence with them when not accompanied by the holder.

If the spouse or one of the children referred to in the first paragraph is a resident, the spouse or child must hold a hunter's or trapper's certificate bearing code "P" and carry it with them.

For the purposes of the first paragraph, each fur-bearing animal captured by the spouse or child referred to in the first paragraph is counted as a fur-bearing animal captured by the licence holder.

7. Despite section 3, a student between 18 and 24 years of age attending a secondary or post-secondary level educational institution may use the licence issued to a professional trapping licence holder if the student complies with the conditions provided for in section 6.

A student may also trap using the licence of a professional trapping licence holder who is at least 18 years of age, provided that the student is accompanied by that holder or the holder's spouse who must carry with them the professional trapping licence concerned and, in the case of a resident, the hunter's or trapper's certificate bearing code "P".

A student referred to in the first and second paragraphs must, when trapping, carry with him the student card issued by the student's educational institution and,

if the student is a resident, the hunter's or trapper's certificate bearing code "P". The student must show them to a wildlife protection officer or wildlife protection assistant if so requested.

8. A person may not hold more than one professional trapping licence, except if it is a licence replaced in accordance with section 10 of the Regulation respecting trapping and the fur trade made by Minister's Order 99026 dated 31 August 1999.

DIVISION II

CONDITIONS AND OBLIGATIONS OF PROFESSIONAL TRAPPING LICENCE HOLDERS

9. A holder of a non-resident's professional trapping licence may trap only

(1) on his private land; and

(2) in the territory described in the lease of exclusive trapping rights of the holder of an outfitter's licence or a professional trapping licence.

10. A professional trapping licence holder must, to trap in a territory where exclusive trapping rights have been granted,

(1) have entered into a lease of exclusive trapping rights; or

(2) carry with him a document attesting to the authorization obtained under section 96 of the Act respecting the conservation and development of wildlife when carrying on trapping activities, and show it to a wildlife protection officer or wildlife protection assistant if so requested.

A person who does not hold a professional trapping licence but who is authorized to use such a licence under sections 5 to 7 must also, to trap in a territory where exclusive trapping rights have been granted, carry with him that attestation when carrying on trapping activities in such territory and show it to a wildlife protection officer or wildlife protection assistant if so requested.

11. A professional trapping licence holder who captures a black bear must, before moving it, detach the transportation coupon from the trapping licence and attach it to the animal.

If a black bear is captured in a territory under a lease granting exclusive trapping rights, the coupon must originate from the professional trapping licence of the holder

of the lease or from the licence of another professional trapping licence holder authorized to trap in that territory under section 10.

In addition, a professional trapping licence holder must ensure that the transportation coupon remains attached until the animal is cut up and, if the fur is intended for dressing, the holder must ensure that the coupon remains attached until the fur is dressed.

12. A professional trapping licence holder must, when trading in undressed furs from hunted or trapped fur-bearing animals referred to in Schedule I with a holder of a fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade, declare the number of the FAMU from which the traded fur originates and sign, where applicable, the register referred to in paragraph 1 of section 35.”.

2. Section 22 is amended by replacing “48 hours” in the first paragraph by “15 days”.

3. Section 23 is amended

(1) by inserting “for which there is no lessee of exclusive trapping rights” in the part preceding paragraph 1 after “sanctuary”;

(2) by inserting “and at least 18 years of age” at the end of paragraph 1.

4. Section 25 is amended by replacing “on the date of issue of the lease and thereafter on 15 August of each year” by “between 1 September and 1 November of each year”.

5. The following is inserted after section 25:

“**25.1.** During the period of validity of the licence, a professional trapping licence holder who entered into a lease granting exclusive trapping rights must trade with a holder of the fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade, made by Minister’s Order 99026 dated 31 August 1999, at least 15 undressed pelts a year from at least 5 fur-bearing animal species trapped in the territory described in the lease.

If the area of the territory described in the lease is less than or equal to 20 km², the number of undressed pelts to be traded is reduced to 10 and the pelts must come from at least 3 fur-bearing animal species trapped in the territory.”.

6. Sections 30 and 31 are replaced by the following:

“**30.** A lessee of exclusive trapping rights may transfer all the rights and obligations under the lease to a holder of a hunter’s or trapper’s certificate bearing code “P” if the lessee

(1) has sent to the Minister an application in writing designating the new lessee, not later than 1 August of the current year, together with, if applicable, a copy of the deed evidencing the transfer of the buildings or structures erected in the territory identified on the lease in favour of the certificate holder;

(2) trapped on the land referred to in the lease during the year preceding the year of the transfer;

(3) has not been convicted of an offence against the Act respecting the conservation and development of wildlife or its regulations and has not had the hunter’s or trapper’s certificate referred to in subparagraph 2 of the second paragraph of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the 2 years preceding the date of the application for a transfer;

(4) has not received a notice of revocation of the lease; and

(5) has signed the deed of amendment to the lease of exclusive trapping rights and returned a signed copy to the Minister.

So that a transfer under the first paragraph may be made, the holder of a hunter’s or trapper’s certificate referred to in that paragraph must

(1) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or its regulations on trapping or the fur trade and not have had the hunter’s or trapper’s certificate referred to in subparagraph 2 of the second paragraph of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the 2 years preceding the date of the application for a transfer;

(2) not exercise collective and exclusive trapping rights in the territories recognized as beaver reserves under the Regulation respecting beaver reserves; and

(3) have signed the deed of amendment to the lease of exclusive trapping rights.

31. A lessee of exclusive trapping rights may transfer all the rights and obligations under the lease to another lessee of exclusive trapping rights provided that the latter lessee also transfers all the rights and obligations under the lease and that both lessees

(1) have sent to the Minister an application in writing, not later than 1 August, together with, if applicable, a copy of the deed evidencing the reciprocal transfer of the buildings or structures erected in the territories identified on their respective leases;

(2) trapped on the land referred to in the lease during the year of the transfer;

(3) have not been convicted of an offence against the Act respecting the conservation and development of wildlife or its regulations on trapping or the fur trade and have not had the hunter's or trapper's certificate referred to in subparagraph 2 of the second paragraph of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the 2 years preceding the date of the application for a transfer;

(4) have not received a notice of revocation of their respective leases; and

(5) have signed the deed of amendment to each lease of exclusive trapping rights and returned a signed copy to the Minister.”.

7. Section 40 is amended by replacing “10, 12 to 17, 19 to 22, 25” by “8 to 13, 25, 25.1”.

8. Sections 22 to 43 and section 25.1, introduced by section 5, are renumbered as follows:

section 22 becomes section 13;
 section 23 becomes section 14;
 section 24 becomes section 15;
 section 25 becomes section 16;
 section 25.1 becomes section 17;
 section 26 becomes section 18;
 section 27 becomes section 19;
 section 28 becomes section 20;
 section 29 becomes section 21;
 section 30 becomes section 22;
 section 31 becomes section 23;
 section 32 becomes section 24;
 section 33 becomes section 25;
 section 34 becomes section 26;
 section 35 becomes section 27;
 section 36 becomes section 28;
 section 37 becomes section 29;
 section 38 becomes section 30;
 section 39 becomes section 31;

section 40 becomes section 32;
 section 41 becomes section 33;
 section 42 becomes section 34;
 section 43 becomes section 35.

In addition, section 12, introduced by section 1, is amended by replacing “35” by “27”, section 24 is amended by replacing “23” in the second paragraph by “14”, sections 26 and 32 are amended by replacing “27 and 28” by “19 and 20”, section 35 is amended by replacing “36” in subparagraph *c* of the second paragraph by “28”, section 39 is amended by replacing “38” in the second paragraph by “30” and section 40 is amended by replacing “25, 25.1, 27 to 29 and 35 to 39” by “16, 17, 19 to 21 and 27 to 31”.

9. This Regulation comes into force on 1 August 2008.

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Gouvernement du Québec

O.C. 448-2008, 7 May 2008

An Act respecting the conservation and development of wildlife
 (R.S.Q., c. C-61.1)

Scale of fees and duties related to the development of wildlife

— Amendments

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS, under paragraphs 10, 10.1 and 21 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations determining the cost of issuing, replacing and renewing a licence or certificate, fixing the amount of the contribution toward the funding of the Fondation pour la conservation et la mise en valeur de la faune et de son habitat, and determining the duties payable for each undressed pelt from an animal that has been hunted or trapped and for each pelt purchased, dressed or received on consignment as an intermediary for its sale or trade;

WHEREAS the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife by Order in Council 1291-91 dated 18 September 1991;